

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE UNITED PLANT  
AND PRODUCTION WORKERS LOCAL  
175 BENEFITS FUND,

Plaintiff,  
-against-

**ORDER ADOPTING R&R**  
16-CV-5521 (DRH)(GRB)

CARLO LIZZA & SONS PAVING INC.,  
ELIA ALY LIZZA, and JOHN DOE  
COMPANY,

Defendants.  
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**HURLEY, Senior District Judge:**

### **INTRODUCTION**

Presently before the Court is the Report and Recommendation, dated August 29, 2019, of Magistrate Judge Gary R. Brown recommending that Plaintiff's motion for default judgment against Defendant Carlo Lizza & Sons Paving Inc. be granted and that Plaintiff be awarded principal damages in the total amount of \$154,419.49, consisting of \$128,682.91 in unpaid contributions, \$12,868.29 in interest on unpaid contributions, \$12,868.29 in liquidated damages, \$0 in audit fees, \$0 in attorneys' fees, and \$400 in costs. Judge Brown further recommends that Defendants Elia Aly Lizza and John Doe Company be dismissed. The time to file objections has expired, and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. As such, the Court adopts the August 29, 2019 Report and Recommendation of Judge Brown as if set forth herein. Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's motion for default judgment against Defendant Carlo Lizza & Sons Paving, Inc. is granted and Plaintiff is awarded damages in the total amount of \$154,819.49. Defendants Elia Aly Lizza and John Doe Company are dismissed.

The Clerk of Court is directed to enter judgment accordingly and close this case.

Dated: Central Islip, N.Y.  
October 1, 2019

/s/ Denis R. Hurley  
Denis R. Hurley  
United States District Judge